

7

*Polit. Pamph. vol 137.*

A N

A D D R E S S

TO THE

LORDS OF THE ADMIRALTY,

ON THEIR

C O N D U C T

TOWARDS

ADMIRAL KEPPEL.



*k*

---

LONDON:

PRINTED FOR J. ALMON, OPPOSITE  
BURLINGTON-HOUSE, PICCADILLY.

MDCCLXXVIII.

A N

A D D R E S S

TO THE

LORDS OF THE ADMIRALTY,

OF THEIR

C O N S U L T

TOWARDS

ADMIRALTY



LONDON:

PRINTED FOR J. ALMON, OPPOSITE  
BURLINGTON-HOUSE, PICCADILLY.

MDCCCXXXIII

TO THE

LORDS OF THE ADMIRALTY.

My Lords,

**Y**OUR champion, Lord Mulgrave, has laid down three maxims of your Lordship's board, which in part explain what was before totally incomprehensible.

I. That a specific charge in writing once exhibited against any officer before the Board of Admiralty, the Commissioners thereof *must immediately* appoint a court-martial for trial of the person accused.

II. That if any officer ask for a court-martial to justify his own character, the Commissioners *must not* appoint one.

III. That it is contrary to justice, to state suspicions of evil actions without proof.

As the two first of these maxims appear to me the cause of errors, which, pardon me for thinking, your Lordships have committed, I take the liberty of stating my objections. And though admitting the justice of the last would prevent the possibility of enquiring into your conduct, I shall, in the discussion of the two first, submit to it, and avoid urging any suspicion; for I cannot but agree with Lord Mulgrave, that it is cruel to throw suspicions into the scale, before sentence has been passed upon your Lordships, for facts already proved to have been committed by your Board. But as I do not think evil actions of one sort proved against any one man, or body of men, *take away* from the suspicions before entertained of his or their committing crimes of another nature, I shall put in a few words at the close of this Address, to shew the impossibility of stopping the ideas your conduct has impressed



pressed the world with, even though the gentle oratory of your champion should have the effect of preventing our giving vent to those ideas in public.

As to the first maxim, my Lords, tho' your worthy champion admits it to be a most absurd one, he not only insists on the act that has laid it down being positive and express, but asserts, he will no longer sit at your Board than while it continues to be so. I much approve of his Lordship's intentions; for an absurd maxim thrown aside from you Board, it is fit the consistent supporter thereof should follow; and I do not imagine the nation would lose any more reputation by his retreat, than his Lordship himself gained by his admission into office.

Any other man but your worthy champion, stating your Lordships to be bound by a positive act of Parliament, to do what he acknowledges is absurd, and  
fraught

fraught with the worst political consequences, would have thought it necessary to read that part of the act which reduces your Lordships' power to an equality with that of the meanest of your clerks; for I believe there is none but himself who does not think it is as probable the absurdity should lie in his own head as in the act of Parliament. But though the act was lying before him, and referred to by several other members, he did not chuse to have recourse to this measure. Arguing against Mr. Burke, indeed, who desired the clerk to read the section of the act alluded to, Lord Mulgrave begged the question, by stating that this section did not *actually* give any discretionary power to the Lords of the Admiralty; whereas it was quoted by Mr. Burke to shew it did not *take such power away*. Though any body who has had the honour of Lord Mulgrave's acquaintance cannot mistake him

him for a man of great abilities or good breeding, yet he has studied logic long enough to be sensible of the falleness of that mode of reasoning. And though he will not permit me to suspect, he has drawn your Lordships into this scrape, at the desire, or by the instigation of his patron, I must think his Lordship had some reason for supporting an unjust, absurd, and impolitic act of the Board of Admiralty, by an argument he knew to be false.

Lord Mulgrave was more verbose upon this head of absolute necessity than was absolutely necessary. He seems to have attained all the good qualities of the first of your Board, but his cunning; though that Lord too, now and then, goes a step too far in another house. In explaining this doctrine of necessity, your champion said, " If the charge is specific in writing, such as the accused  
" can answer, not vague, general, or  
" frivo-

“frivolous, the Admiralty must appoint  
 “a court martial.” Now I beg leave  
 to ask of his and your Lordships, when  
 a written charge is given in to the  
 Board, who is to judge whether it is spe-  
 cific, and such as a man can answer, or  
 vague, general and frivolous? Lord Mul-  
 grave has stated as if it lay with your  
 Lordships to determine this point: but  
 as he has likewise stated, that you have  
 no discretionary power at all, I am at a  
 loss to know how he can reconcile these  
 two assertions; one or the other must be  
 erroneous. If your Lordships have no  
 discretionary power at all, you cannot  
 determine any point whatsoever. If you  
 have a discretionary power, the line to  
 which it extends must be expressed in the  
 act that you say circumscribed your ori-  
 ginal powers. If an evidence was to  
 contradict himself as palpably before a  
 court of justice, strange suspicions would  
 arise against him: but none of this na-  
 ture



ture must or can arise against your worthy champion, since he has taken no oath to act justly in the Admiralty, or to speak sense or truth in the House of Commons or elsewhere.

Had the time between the receipt of Sir Hugh Palliser's charge, and the Admiralty's appointing a court-martial, admitted of any body's being consulted on the supposed necessity of your procedure, I should have suspected the Attorney-General was the man; for surely it was natural for your Lordships, totally unacquainted with abstract law, to consult him upon an *implied* meaning of a special act of parliament. But, as Sir Hugh Palliser has assured the House, upon his sacred word of honour, that he never took advice of any person whatever, concerning his conduct in this affair, or communicated the charge he has made to any one, previous to his producing it at the Board, I cannot sufficiently admire this commander of the Northern Star, who, with the



gallantry of a Keppel, put forth all his willing sails, and, to save his Majesty's frigate the *Mulgrave*, received a full broadside from the *Dunning*, a first-rate ship, the weight of whose metal, though her guns are cracked in the bore, had nearly sunk this luminary of Scotland. A species of generosity so unusual to the gentlemen of that country must surely have some cause or another : but far be it from me to *suspect* that it was pre-concerted between the Commissioners of the Admiralty, Sir Hugh Palliser, and the Attorney-General ; since the Commissioners profess they had no suspicion such a charge was to be made, and had not time to consult any one, after they had received it ; since Sir Hugh Palliser has given his sacred word of honour he had communicated it to no one whatsoever ; and the Attorney-General stated the length of time he had been without looking into these matters, as an excuse for his ignorance. But though I must not, in this state of the matter, *suspect*,

*pect*, permit me to make some observations, and to ask a few questions, useless I confess, since I know beforehand, your Lordships will not answer them ; as your doing so would give me proof sufficient to throw all suspicion aside.

It appears, from the joint testimony of Lord Mulgrave, Sir Hugh Palliser, and Mr. Penton, that your Lordships had not the smallest idea of any disagreement between the Admiral and Vice-Admiral, before the Letter signed Hugh Palliser made its appearance in the Morning Post. That even after what passed last week in the House of Commons, between them, you yet had no idea that Sir Hugh Palliser intended to make a specific charge against Admiral Keppel. Now, my Lords, as to the first of these facts, it is very difficult to conceive you should be totally ignorant of what was publicly talked of in London, by an honourable though imprudent young man, who came from the Admi-

ral's ship. It is equally difficult to conceive that the resentment which Sir Hugh Palliser expressed thereat, in all other places, should have been so totally suppressed before those he was chiefly living with, and who were most concerned to know the truth, as to give them no suspicion of his dissatisfaction. It is still more difficult to conceive, considering the intimacy that subsists between the first of your Lordships and Sir Hugh Palliser, how the one came to give no advice, even though the other did not ask it. Yet, my Lords, far be it from me to *suspect* these facts are not exactly and literally as these gentlemen have thought proper to state them. As to the second fact that stands upon their testimony, I confess no board could possibly guess or imagine a man of Sir Hugh Palliser's character could exhibit a charge against his Admiral, for not doing his utmost against the enemy, by way of exculpating himself for not obeying signals, which he says it was

was

was not possible to answer. All former actions of Sir Hugh Palliser have been so replete with good sense, candour, and bravery, and this is seemingly so absurd, so unfair, and carries with it such an aspect of shifting danger, that the matter is past suspicion: we must conclude either that Sir Hugh Palliser is out of his senses, or that some diabolical plan is on foot, to deprive this nation of one of her favourite sons. There have been men totally insane upon one subject, though, as to every other, of perfectly right and sober judgment; therefore, though Sir Hugh Palliser has the appearance of possessing himself upon all other points, and holds an argument, such as it is, upon this, still I will not conclude he is himself, lest I may be said to *suspect*, that a plan is actually formed by your Lordships to deprive Admiral Keppel of his life; for as to his reputation, that is quite out of the power of such as you to affect.

Whe-



Whether these doctrines of necessity, advanced by Lord Mulgrave, are true or false, they certainly are new. Sir Hugh Palliser must have known, the Navy did not understand the Admiralty to be under an absolute necessity of appointing a court-martial, upon every charge that was given in to the Board against an Admiral or inferior officer; for it had been the custom uncomplained of, to examine the nature of the charges exhibited, before appointing one. He must likewise have known, that whenever an officer thought his character affected, either by public or private assertion or insinuation, he asked for a court-martial on himself, and thought himself hardly used if it was not granted. Let me then ask, how Sir Hugh Palliser came to take a different line from what other officers would have done in the same situation? He is no lawyer, to turn over, quibble upon, and explain an implied meaning of  
of



of words differently understood, or not thought of at all by his own profession. Where was he taught, that accusing another was a mode of justifying himself? Did he find this doctrine in the same book as taught him, that the Commissioners of the Navy Board were to take rank of the Captains of the fleet? Sure I am, it was neither at Portsmouth nor Plymouth he learnt such rules of honour; they favour too much of Westminster-Hall, and of another place, where a man thought to ease himself of an infamous character by accusing his companion of publishing a blasphemous and obscene poem, though it was known to be wrote at his own desire. If Sir Hugh Palliser should, notwithstanding the improbability of these notions originating with himself, still insist upon his sacred word of honour, that they did, I can only admire at the surprising effects of Chance, which has made all the Lords

of the Admiralty, the Attorney-General, and Mr. Ellis, without consulting with one another, agree in an opinion too absurd to enter into the head of any other man ; and shall not at all suspect that any design lurks under this mask of ignorance and folly. But even if we did suppose all your Lordships to be as ignorant of the law as your champion, or the accused accuser ; was it necessary for you to be so very alert ? Could not you venture some little delay before you appointed this court-martial ?---Not a week ; not a day ! Are the words so very precise, that you did not dare to put it off for a moment ? When you saw the inconveniencies, public and private, which the accuser himself had stated to the House of Commons, could you not have represented to him, as he sat at your Board, judging of the necessity of appointing a court-martial *if he persisted in his charge*, that whatsoever was the

confe-

consequence to Admiral Keppel, as he had served under him without stating complaints of this magnitude, now brought forwards only as an exculpation of his own disobedience of orders. As he had lived with him in friendship till within this month, his own character, both public and private, must be ruined, if an enquiry went on in this mode. That any enquiry at this time must have fatal consequences to the country. That all private consideration ought to give way to that of the public. That he himself had stated this truth to the House of Commons. That he was mistaken in thinking the words of Admiral Keppel threw any reflection upon his own character: but if he felt so much hurt by them, that he must have an opportunity of clearing himself, you had rather appoint a court-martial to try himself for disobedience of orders, and for endeavouring to raise a mutiny in the fleet,

D

than

than suffer him to disgrace himself in this manner ; for even if he was to make out so improbable, not to say so impossible, a charge against Admiral Keppel, he himself must be equally culpable, in having suffered him to retain the command of the fleet for such a length of time without exhibiting his complaint.

I am bold to say, that if you had taken this line of conduct, the whole world would have approved of it, and Sir Hugh Palliser must have been mad indeed, if he had not taken your advice. I will go a step further. Had the law been as express as your Lordships pretend to think it, such is the situation of this country, that you should have risked your heads to prevent the inconvenience that must necessarily attend the sitting of a court-martial at the present moment. Instead of which, you have gone forwards with an alacrity in this business that



that leaves your views *no matter of suspicion.*

When charges of the nature of those which Sir Hugh Palliser has made, are laid before the Admiralty, it is the duty of the Commissioners to consider it in the same manner as the courts in Westminster-Hall do the leave that is asked to file an information. The Board has a discretionary, but not an absolute power. A specific charge cannot be laid aside, and a court-martial refused, without good reasons ; nor granted, if the charge is evidently malicious, or made for other purpose than that of bringing the offender to justice ; and should the jurisdiction of the Board be in either case abused, the Commissioners would be liable to impeachment. If this discretionary power was not lodged in the Admiralty, strange confusion must be the consequence. Every officer in the fleet might then impede the service of the state, since the fleet



could not act after a specific charge was once exhibited by an officer against any of his brethren, till a trial was obtained and sentence past. The characters of the bravest and ablest men would, in some measure, be at the mercy of the worst, without possibility of redress. In short, it would have been ridiculous to say a word upon the subject, if the Attorney-General had not thought proper to cover the reputation of the Admiralty at the risk of his own. He justified the conduct of your Lordships' Board upon the ground of necessity ; and though he acknowledged the hardship it was upon the accused, insisted the law was not more severe upon officers of the navy, than upon every other subject, who must all submit to an actual trial, if accused by any person whatever. He stated, that the law had in no case confidence enough in any set of men, to repose a trust in them, of previously judging whether there was  
ground

ground enough to *suspect* the party accused of the crime laid to his charge. I am a loss to guess on what code of jurisprudence he thought these strange maxims were founded, or in what obsolete book of English Law he discovered doctrines so diametrically opposite to the daily practice of our courts. I do assert, it is not possible the Attorney-General should really hold such an opinion: he must know, that a person accused cannot be brought to trial without the Grand Jury find a bill of indictment; or the Court, upon hearing both parties, grants leave to file an information; or the Attorney-General files one *ex officio*: which latter mode of proceeding has ever been esteemed a great hardship upon the subject; for it is not every one who can bring on an impeachment of the officers of the crown for evil administration.

You, my Lords, have filed an information *ex officio* against Admiral Keppel;  
and

and if you have done so without good ground, you are answerable to the nation for all the mischief that may be occasioned thereby ; and to the public, as well as to the Admiral himself, for unjust vexation of the subject. If the enemy, taking advantage of the necessity our fleet must be under of remaining in port, or of going out under improper commanders, should seize any part of the British dominions, or carry out forces or provisions to America, you are the persons to blame, and your heads ought to answer for your misconduct.--- But let me not be understood to mean the Admiralty ought *never* to have ordered a trial upon the charge exhibited by Sir Hugh Palliser, *if he persisted in it*. Both the rank which he still holds in the service, and the reputation he once held in the world, made it impossible to stop procedure, after once the charge was public. If the ministers of the public had denied it to Sir Hugh Palliser, Admiral Keppel himself

self would have demanded it. What I contend for is, that the public utility required a delay ; and private justice, that the trial of Sir Hugh Palliser should have preceded that of Admiral Keppel. It was both with surprize and regret I heard Lord Clive and Mr. Burke assert we had gained a substantial victory over the French, on the 27th of July last. The reputation of Admiral Keppel requires no eloquence to increase its lustre, nor can ribaldry tarnish it ; but the un-gentleman-like phrase made use of by the noble Lord, did much more harm to the honour of his own country, than to that of the enemy. In one respect the French gained reputation by the engagement : none of their ships were either taken or destroyed ; they sustained our fire with gallantry and spirit ; and though they took advantage of the night to go into Brest and refit, we ourselves were obliged, the day thereafter, to return to Plymouth, for the

same



same purpose. Neither is it true, that the success of our privateers has at all been owing to that of this engagement. The fleet of France sailed out again from Brest sometime before the fleet of England left her own coast : and though our privateers have taken many more ships of the enemy's than they have of ours, yet we cannot say so much for our ships of war.--- We have had the *good* luck to fall in with several of their East and West-Indiamen, tho' we had no fleet on the look out for them ; they have had the *ill* luck to meet with very few of our merchantmen, tho' they had a considerable part of their navy in search of our India fleet, eleven of whom owed their escape to a storm, which drove them to the coast of France, while the French fleet was waiting for them off the Lizard, the usual point our Indiamen make for, on their return to Europe. I leave the explanation of this fact to your Lordships ; the truth of it, even



the first, you will hardly dare to deny. It is however certain, that the French, satisfied with their having lost no honour on the 27th of July, have carefully avoided any farther rencontre in the course of the summer ; and that our fleet has as industriously fought for it. At the commencement of the last war, the French started with a great many disadvantages : we had taken the best part of their sailors before they had any idea of our commencing hostilities ; their officers belonged all to the land-service, and were totally unacquainted with the management of a ship ; they loaded their guns on the outside of their vessels. Far differently have they begun the present war : instead of our deceiving them, they have deceived us. Our ministers have shut their eyes, and in spite of common - sense, have never given credit to the intelligence they received from their ambassadors. The fleet of Monsieur D'Orvilliers was better man-

ned than ever a French one had been before ; besides the choicest of their own sailors, they had as many from America as they wanted. Their absurd method of loading guns was altered, and every ship had at least one Lieutenant on board, perfectly master of his business, whom the minister of their marine had culled from the captains of merchantmen of the greatest reputation. The consequences have been such as were to be expected from the alteration of our enemy's conduct : their fleets, during the course of last war, scarce made resistance any where but in the East-Indies ; but in this, they have hitherto acted both with courage and conduct ; and let ours be ever so great, we cannot expect the same success against able men, that will fight, as we had formerly against ignorant men who would not fight.

I proceed to the second maxim, so emphatically laid down, and so judiciously supported, by that paragon of law and

nautical

nautical abilities, Lord Mulgrave, " that  
 " if an officer asks for a court-martial,  
 " to justify himself, the Commissioners of  
 " the Admiralty *must not* appoint a  
 " court - martial----because----it would  
 " then be in any officer's power to screen  
 " himself from justice, by asking for a  
 " trial, at a time when there could be no  
 " prosecutor." The doctrine and argu-  
 ment thereupon are equally new and cu-  
 rious. I am confident that till the reign  
 of his present Majesty, scarce an instance  
 can be produced since the Revolution, of  
 a court-martial being refused to any offi-  
 cer in the sea or land service who deman-  
 ded one, in justification of his conduct;  
 and for a very plain reason: there are no  
 other means of healing the wounds of in-  
 jured honour; of which, further proof  
 than the figure Sir Hugh Palliser makes,  
 in attempting another mode, is unneces-  
 sary. Allow me to recall a transaction  
 that must ever be disagreeable to the ears

of an Englishman : when Lord George Sackville was tried, it was at his own request, and he was actually out of the army when he made it. The circumstance of his dismissal occasioned some doubt whether he was amenable to such a court ; but the cry on the injustice of refusing to hear him in his own defence, was so strong, that even this objection, substantial as it is, in point of formal law, was overlooked, and a trial appointed. Your Lordships will please to observe, that I do not *suspect* it was the result of that trial which makes Sir Hugh Palliser adopt another line. If I remember right, the present Attorney General was Lord George's counsel ; and I am much deceived, if he did not hold very different maxims, in point of law, upon that occasion, from what he has done on this. He then thought a deliberative power of appointing a trial existed *in the Crown*, when the charge was exhibited by others ; but that the necessity



fity of granting a trial was absolute, when the party himself demanded it. I should be glad to know upon what grounds he has altered his opinion; for the only difference between the sea and the land rules of service on this head is, that the Admiralty stands in place of the Crown.

I cannot help here mentioning a very memorable expression which *I know* fell from his late Majesty upon that occasion. “ That the question to be decided by “ the Court was not, Whether Lord “ George was guilty or not? But whe- “ ther the King or the Duke of Dorset’s “ son should get the better?” It is not possible, my Lords, that his present Majesty should consider this as a cause between the Crown and Admiral Keppel. He is too just, too sensible, of the merits, of the loyalty, affection, bravery; and wisdom of his servant, to wish to crush him by such a comparison. And I do  
not

not *suspect*, that the first Lord of the Admiralty, jealous of Mr. Keppel's growing favour, fearful of the strength of his honest representations of the bad state of the navy to his master, should mean either to cast a slur upon his reputation, or affect his life. That noble Lord's character is above any such suspicion. The open generosity of his conduct towards every man; his punctilious scruples of honour; his steady attachment to his friends; his disinterested patriotism; exempt his Lordship from suspicions, that a concatenation of circumstances would lead one to have of others, whose characters are not as strictly just and moral as those of Lord Sandwich and Lord Lyttelton.

As the argument made use of by your Lordship's champion for this strange new maxim, let me hope you will for the future confine his abilities to the support of your conduct in private. The strength  
of

of his voice and laugh may, in a room, silence your censurers, but do not let him make a bad cause worse, by giving such reasons in public.

The Admiralty has an officer for the purpose of carrying on prosecutions. When gentlemen in the navy have heretofore desired a court martial, in justification of their own conduct, it has been the practice to order that officer to prosecute: if he represents, or if, without such representation, the Admiralty thinks the time is not proper for trial, either on account of the public service, or for the absence of evidence, or for any other cause whatever, the trial must be delayed: but can any one, save Lord Mulgrave, argue, that because it *must sometimes be delayed*, it must therefore *never be granted*? I do not mean to pay his Lordship any compliment on his judgment; but I really do not suspect he thinks this is a good argument. When

your Lordships are dissatisfied with the conduct of any officer, do you not appoint a court-martial, and direct the Judge-Advocate to prosecute? Why cannot you do the same at his own requisition? Supposing Lord Mulgrave's reason for refusing would bear arguing upon, still it would not have the effect of taking away from him the power of screening himself from justice, because no man but may find one solitary friend to make a specific charge, when, according to your other maxim, an immediate necessity arises of appointing a court-martial, without regard to time, place, or other circumstances, which ought to make it inadmissible. But I do not wonder at Lord Mulgrave's promulgating this doctrine, since it explains his reasons for not desiring a court-martial on his return from the North-sea. Had the assertions he has thought proper to make in a pamphlet, undergone trial, no

one



one can *suspect* they would have proved to the satisfaction of any court, that he had done his utmost to perform the object of his voyage.

I have read the act in question with some care, and can find no words to ground either of your Lordships' maxims upon. If, as you pretend, the law being positive and absolute, leaves you no deliberative authority, you are no more to be justified for refusing a charge exhibited by an officer against himself, than if it was exhibited by any other person; for no such exception is positively expressed in the act, nor is there any reason it should. The Board of Admiralty, acting as minister of the public, is by no means precluded from carrying on the prosecution, by the accusation of a private person. If the accuser *only* could carry on the prosecution, the law might, indeed, be frequently eluded, and the guilty escape from justice, by urging a

F

court-

court-martial at an improper time : but that is not the case, or if it was, would equally apply to a charge exhibited by any other person as by the party himself. I do not *suspect* Sir Hugh Palliser of any superabundance of good - will towards Admiral Keppel at this moment : but if, in the course of the approaching trial, it should appear, that Sir Hugh had urged the accusation with the purpose of screening Mr. Keppel from justice, will any body pretend to say, that it would not be the duty of your Lordships to step forwards and take upon yourselves the direction of the prosecution ? Nobody ever pretended, that the accusations coming from a private person took away the right the public has of urging it. To Sir Hugh Palliser this trial is of so little consequence, that it cannot even justify his own reputation : but if it would, what is his character when compared to the interest the public has in this matter ?

If

If the French fleet might have been destroyed and was not, any misfortune that befalls this country during the war, may justly be attributed to the misconduct of that day.

Whether your Lordships are convinced that your two maxims are erroneous in point of law or not, I cannot say; but imagine they would be disregarded by any court or jury in the kingdom. The public have therefore some right to enquire, whether you have interpreted this law for yourselves, or consulted any body of the profession? If you have acted upon your own interpretation, you are highly culpable, and must take the consequences: but if, doubtful of the meaning of the words of the act, you have, with a caution that becomes ignorant men, applied to persons of the profession, in vindication of yourselves, and in justice to the public, give them up to the shame they deserve. Do not let the

scruples of your Chief, prevent the impeaching of your friends, lest, in process of time, we have judges in the court of Common-Pleas, as ignorant as the Commissioners at the Board of Admiralty.

I trust your Lordships must acknowledge, that in the course of this discussion, I have adhered to the rule laid down by Lord Mulgrave, of not stating suspicions without having proofs at hand to support them. And I must now beg leave to make a few observations upon that position. Extraordinary as it is, and notwithstanding the impossibility of its being maintained by any one who understands the meaning of words, his Lordship was not so entirely wrong in tacking it to his two maxims; for any one that holds, there ought to be no intermediate step between a charge exhibited, and the trial of the person thereby accused, must necessarily look upon  
causes



causes of suspicion to be tantamount to a proof of the crime alledged : whereas they are as different as two things can well be ; proof of suspicion is a contradiction in terms, for whenever proof is adduced, suspicion must cease. Had Lord Mulgrave desired Sir Joseph Mawbey not to state suspicions for proof, or that he would state the grounds of the suspicions he threw out, his Lordship would have been perfectly right : but the best grounded suspicion may not be proved when the matter comes to trial ; if that was not a possible case, suspicion and proof would be synonymous terms. As the House of Commons is a court of inquest, not of judicature, causes of suspicion may be there alledged, but proof cannot be there adduced ; Sir Joseph Mawbey was therefore perfectly in order when he stated his grounds for suspecting, that the Board of Admiralty had instigated the complaint made against  
Admi-

Admiral Keppel; and Lord Mulgrave quite out of order, when he desired Sir Joseph to produce proofs instead of causes of suspicion. This debate upon order was, however, quite useless, since Sir Joseph might have answered his purpose in another way. For instance :

Lord Sandwich reposes a great deal of confidence in Sir Hugh Palliser, lives with him in the greatest degree of intimacy, has made him a Commissioner of the Admiralty, and, if it was possible for a peer to interfere in elections, I should think, that Sir Hugh Palliser owed his seat in the house to the protection of his Lordship; certain it is, that they always draw together, both in Parliament and at the Admiralty Board. Lord Sandwich has not the same confidence in Admiral Keppel, seldom sees him, looks upon him as a rival of his own situation, and they can never draw together in any place (asking Admiral Keppel's pardon)

4

they

they are as different from one another as light is from darkness: but I do not from hence conclude, that Lord Sandwich will shew any degree of partiality to Admiral Keppel. Lord Sandwich has asserted to his Majesty, and to Parliament, that the fleet was in perfect order, and consisted of many more ships than has yet been produced. Sir Hugh Palliser confirmed these assertions, Admiral Keppel denied them. Lord Sandwich professes the utmost sorrow for the obstinacy of Sir Hugh Palliser, who, though willing to submit to him as his patron upon any other occasion, is in this most pertinaciously resolute. The Board of Admiralty is sensible of Admiral Keppel's good conduct, thinks no ground of suspicion is against him, admits that a trial must impede the service of the navy, and throw it into dissensions which may be attended with the most fatal consequences. Sir Hugh Palliser says, his  
 motive

motive for exhibiting charges against Admiral Keppel is only to justify himself. Yet, notwithstanding all these reasons by them given against the appointment of a court-martial, Lord Sandwich and Lord Mulgrave persuade the Board, under pretence of its having no deliberative power, instantly to give order for one. The Attorney-General supports the doctrine of the Admiralty by assertions, and comparisons of facts, as false as the doctrine itself. The first Lord of the Treasury most artfully assists Sir Hugh Palliser as far as the temper of the House would admit. His Lordship understands me. All these facts are public and notorious. I hope those who look them over will not imagine they are stated as *proofs* of a combination against the life of Admiral Keppel. Whether they are *grounds of suspicion* or not I leave the world to judge.

One



One word more, my Lords, before we part. If you think yourselves under so absolute a necessity of proceeding to trial, when a specific charge is made against any of the officers under your department, how come you to have neglected bringing to issue the specific charges made, more than a twelvemonth ago, by Mr. Bailey, Lieutenant Governor of Greenwich Hospital? Which of your Lordships was it who, instead of rectifying the dirty abuses complained of, instigated the prosecution of that gentleman for a libel? Had Lord Sandwich, Lord Mulgrave, and Sir Hugh Palliser, a single or a joint share in that honourable transaction, or had they none at all? There is a wonderful similitude between the mode of procedure in the two cases before us. Gov. Bailey complains, that the poor sailor is cheated of the pittance allowed him, in recompense for the limbs and blood he has lost in the service of his country: Mr. Bailey is therefore

G

tried

tried for a libel. Admiral Keppel is forced, by an appeal from Sir Hugh Palliser, to acknowledge his signals were not obeyed ; Admiral Keppel is therefore to be tried for a neglect of duty. The civil officers of Greenwich Hospital will doubtless protest, upon their sacred words of honour, that they were not instigated by any Lord of the Admiralty to prosecute Governor Bailey. I am not certain I can prove the contrary, and Lord Mulgrave tells me I therefore *must* not suspect it. I am much obliged to his Lordship for the information, for otherwise I should have been most grievously inclined to do so. Sir Hugh Palliser has declared, upon his sacred word of honour, he is not instigated by any one. Sir Hugh is a man of honour, veracity and *courage* ; I therefore *dare* not suspect the contrary.

Lord Mulgrave was once a bawler in coffee-houses for liberty, most violently averse to the measures, principles, and  
characters

characters of the present administration ; but going toward the North pole, he obtained a clearer light ; and though he lost the tract of glory, fetched the port of power, where he has supported the measures and adopted the principles and characters of those he before reviled, as weak, flagitious, and infamous : I do not therefore *suspect* he himself deserves the epithets he formerly applied to his present friends ; or that, at an approaching trial, his evidence will be partial to one of those whom he used most to praise. But I am penetrated to the soul with the thoughts of men of this character being in a situation that enables them to nominate a jury for the trial of one whom they are predetermined shall be acquitted ; and cannot think with patience of this country's permitting men, against whom the meanest of all peculations has been proved in a court of justice, to enjoy the first offices of the state : whilst that continues to be

the case, all public advantage, either internal or external, is out of the reach of chance.

Keppel once safe, whose life and reputation is next to be put upon trial? Is there any other popular character whose fame requires purification? Sir Hugh Palliser is senior to Lord Howe, yet I do not think he can well have the command of the fleet, whilst his Lordship's fame shines so much brighter. Can no one be found to exhibit charges against him? Not one officer dissatisfied in his whole fleet? It is a pity Sir Hugh had not been with him; it would not then have been the case. Still, I think, something might be made of it. What do your Lordships think of getting a charge exhibited against him, for quitting the Eagle and going into the Apollo? She lost her masts, and it is difficult to conceive how she should do so without treachery. Nor do I think the storm that separated the two fleets is a  
cir-



circumstance totally void of suspicion, I know that country pretty well, and never heard of so violent a gale of wind so early in the season. I repeat it, my Lords, it bears a very suspicious aspect. If the truth was to come out, we may find he is equally culpable with Mr. Keppel. I don't understand there is any necessity of gaining the wind, or any such trifles, in a sea engagement. What has an Englishman to do with manœuvring? Can't he go straight down, and fight at any rate? Though the enemy's fleet consisted of so much larger ships, yet, counting frigates, we had most. What if one half our fleet had run upon Block Island, the other was sufficient for D'Estaing; and no one shall ever persuade me, let them swear what they please, that a storm could come on just at the nick of time when Lord Howe thought he had an opportunity of engaging to advantage. I wish Old Bos had commanded, he would have come up

to 'em, though the Devil himself had been  
in the wind.

What do your Lordships think of it?  
May not this be worked up to some  
form? When it is, I beg leave to offer my  
Services in carrying on the prosecution;  
in the mean time, I remain,

With all due respect,

My LORDS,

Your Lordships

most obedient and

most humble Servant.



F I N I S.